

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

ENITAN AYODEJI LIJADU
A 262 27 080
VS.

CIVIL ACTION NO. 06-0518

SECTION P

IMMIGRATION AND NATURALIZATION
SERVICE, ET AL.

JUDGE JAMES
MAGISTRATE JUDGE HAYES

MEMORANDUM ORDER

Before the court is a civil rights complaint¹ filed *in forma pauperis* on March 27, 2006, by *pro se* plaintiff Enitan Ayodeji Lijadu. Plaintiff is an immigration detainee in the custody of the Department of Homeland Security's Bureau of Immigration and Customs Enforcement (ICE). He is detained at the Tensas Parish Detention Center (TPDC), Waterproof, Louisiana, and he complains of inadequate and delayed medical treatment. He names ICE District Director John Mata, ICE Deportation Officer Agent Palamante, TPDC Warden Dale Dauzat, and TPDC Medical Administrator Pam Poole as his defendants. He seeks injunctive relief and compensatory damages.

In a motion filed on May 12, 2006 [doc. 4], plaintiff requested access to his medical records at TPDC. In a Memorandum Order dated May 16, 2006, [doc. 5], the undersigned advised plaintiff to avail himself of the procedures outlined in the INS Detention Standard, Medical Care, Part III Standards and Procedure, Subpart M Confidentiality and Release of

¹ The complaint arises under 42 U.S.C. §1983 insofar as it alleges constitutional violations by "state actors." It also arises under *Bivens v. Six Unknown Agents of the Federal Bureau of Narcotics*, 403 U.S. 388, 91 S.Ct. 1999, 29 L.Ed.2d 619 (1971) insofar as it alleges constitutional violations by federal employees or agencies.

Medical Records, which provides:

Copies of health records may be released by the facility health care provider directly to a detainee, or any person designated by the detainee, upon receipt by the facility health care provider of a written authorization from the detainee. (Form I-813 may be used for this purpose) ...

Detainees who indicate that they wish to obtain copies of their medical records will be provided with the appropriate form. The INS will provide the detainee with basic assistance in making the written request (if needed) and will assist in transmitting the request to the facility health care provider.²

On June 16, 2006, plaintiff advised the court that his attempts to avail himself of the above cited regulation were unsuccessful and that he is unable to obtain the records he seeks.

[doc. 7]

In *Wilson v. Barrientos*, 926 F.2d 480, 483 (5th Cir. 1991), the court approved of an arrangement which allowed the defendants to supply certified copies of a prisoner's medical records for use by the plaintiff and the court in the conduct of a §1915 review. [See also *Spears v. McCotter*, 766 F.2d 179 (5th Cir. 1985).]

Accordingly,

THE CLERK IS DIRECTED to serve

Warden Dale Dauzat,
Medical Administrator Pam Poole,
Tensas Parish Detention Center,
8606 Hwy. 65,
Waterproof, Louisiana

and the **plaintiff** with a copy of this Order **AND** copies of plaintiff's requests for release of medical records [doc. 7, pp. 3 and 4]

² See <http://www.ice.gov/doclib/partners/dro/opsmanual/medical.pdf>

IT IS ORDERED that the **Warden and/or Medical Administrator** provide to the court within 45 days of the receipt of this order:

1. A **certified** copy of TPDC's complete Medical File concerning plaintiff **ENITAN AYODEJI LIJADU, A26227080** and,

2. **Certified** copies of all grievances or requests for medical care submitted by the plaintiff **AND certified** copies of the responses to those requests/grievances by the TPDC administration and the DHS/ICE.

THE WARDEN/MEDICAL ADMINISTRATOR SHOULD SUBMIT THE DOCUMENTS REQUESTED TO:

**CLERK OF COURT
United States Courthouse
800 Lafayette Street, Suite 2100
Lafayette Louisiana 70501
ATTN: PRO SE STAFF ATTORNEY**

AND, should provide a copy to the plaintiff.

SHOULD EITHER PARTY OBJECT TO THIS ORDER, THEIR WRITTEN OBJECTION SHOULD BE FILED WITH THE COURT WITHIN TEN (10) DAYS OF RECEIPT OF THIS ORDER.

THUS DONE AND SIGNED in Chambers at Monroe, Louisiana, this 22nd day of June, 2006.



**KAREN L. HAYES
U. S. MAGISTRATE JUDGE**